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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,065	07/10/2003	Connie L. Chapman	55512	3796

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/617,065

Applicant(s)

CHAPMAN ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/10/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claims 1-3, 5-8, 12-15, 17-20, 24-27, 29-32 and 36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 6, 12-23, 17, 22, 25, 31-32, 36, 42-43, 47, 52, 55, 58, 61, 62 and 65 of copending Application No. 09/596,629. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the current application are directed towards the same process of disseminating information as that claimed in the claims of 09/596,629. Though the applications claim different types of information, this distinction is irrelevant because the technical details of the invention are independent of the type of data transmitted and the particular human sender and receivers of the data.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

(a) The applicant's specification provides no description of what a public information release authorization form comprises.

(b) The applicant's specification provides no description of what a computer-readable medium comprises.

Claim Objections

3. Claim 13 is objected to because of the following informalities: there are two “first software modules” claimed. It is assumed that the second one is supposed to be a “second software module”. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 13-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13-24 are directed towards an intranet comprised completely of software modules. Software is not a statutory category of invention. Claims 25-36 claim a computer-readable medium comprising solely data fields. Therefore the computer-readable medium can only be interpreted as a data structure given that it is not described in the applicant's specification. Data structures do not fall within a statutory category of invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,356,909 to Spencer.

8. As to claim 1, Spencer teaches a method for distributing a form over an intranet (col. 9, lines 57-59), the method comprising: creating and submitting a form over the intranet (col. 8, lines 16-38), the form being submitted by an author to at least one approver via e-mail with a hyperlink to the form (col. 8, lines 39-51); and transmitting comments for the form by the at least one approver via e-mail (col. 8, lines 39-51); however Spencer does not explicitly teach the form being a public information release form.

Though Spencer does not explicitly teach a public information authorization release form, it would be obvious to send such a form for approval because Spencer teaches sending forms over a network. A public information release form is an arbitrary type of form and thus would be covered by the disclosure of Spencer regarding forms broadly. The applicant never describes a public information release form so it is reasonable to interpret such an arbitrary term broadly and clearly the public information release authorization has no special features that make processing it any different form processing any other form.

9. As to claim 2, Spencer teaches a method according to Claim 1 wherein the intranet includes a plurality of users enrolled therein with each user having associated personnel information stored within the intranet, the method further comprising: selecting a first level of approvers from among the plurality of users for reviewing the PIRA form (col. 8, lines 48-51 and col. 13, lines 42-44); and transmitting a first notification message via e-mail to the first level of

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approvers, the first notification message having a hyperlink to the PIRA form (col. 8, lines 39-51).

10. As to claim 3, Spencer teaches sending the form to an account manager or some other form of manager (col. 2, lines 13-15) and a technical peer reviewer (Figure 5, reference number 53). As with the PIRA form, the claimed manager, program manager, and technical peer review are not disclosed as being any different than any other arbitrary approver and therefore it would be obvious to send a request for approval to any person with an arbitrary title.

11. As to claim 4, Spencer teaches having the author select the first level of approvers (col. 8, lines 39-51).

12. As to claim 5, Spencer teaches a method comprising creating a profile of the form in response to accessing associated personnel information of the author (col. 9, line 60-col. 10, line 6); and wherein at least one of the first level of approvers is selected based upon the created profile (col. 13, lines 36-44 and 65-57, the address book is associated with the user).

13. As to claim 6, Spencer teaches the first level of approvers reviewing the form concurrently (col. 14, lines 17-41).

14. As to claim 7, Spencer teaches a method of selecting a second level of approvers from the plurality of users for reviewing the form and transmitting a second notification message via email to the second level of approvers, the second notification message having a hyperlink to the form (col. 15, lines 15-40).

15. As to claim 8, as discussed in the rejection of claim 3, it would have been obvious to send a request for approval to an arbitrary team member.

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16. As to claim 9, In Spencer the first receiver of the RFP is considered the system administrator (col. 15, lines 15-40).
17. As to claim 10, In Spencer, Figure 5 shows that the reviewer in the second level view the form sequentially (References numbers 45-54 show a sequential process).
18. As to claim 11, Spencer teaches a method of stopping the approval process if one of the second level of approvers rejects the form (col. 15, lines 38-40).
19. As to claim 12, Spencer teaches adding an attachment to a form (col. 6, lines 12-14 and Figure 4, reference number 29, col. 13, lines 25-27).
20. As to claims 13-24, they are directed towards and intranet implementing the method of claims 1-12 and are therefore obvious for reasons pointed out in the rejection of claims 1-12.
21. As to claims 25-36, they are directed towards a data structure for implementing the method of claims 1-12 and are therefore obvious for the reasons pointed out in the rejection of claims 1-12.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

DBB



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER